



P.B.5818 - Patentlaan 2  
2280 HV Rijswijk (ZH)  
☎ +31 70 340 2040  
TX 31651 epo nl  
FAX +31 70 340 3016

Europäisches  
Patentamt

Zweigstelle  
in Den Haag  
Recherchen-  
abteilung

European  
Patent Office

Branch at  
The Hague  
Search  
division

Office européen  
des brevets

Département à  
La Haye  
Division de la  
recherche

TER MEER STEINMEISTER & PARTNER GbR  
Patentanwälte,  
Mauerkircherstrasse 45  
81679 München  
ALLEMAGNE

<b>EINGEGANGEN</b> TER MEER - STEINMEISTER & PARTNER  7. MRZ. 2002  Frist .....
--

Datum/Date

06.03.02

Zeichen/Ref./Réf. <b>FA1537M/EP-tm/M</b>	Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°. <b>00909640.5-2404-JP0001563</b>
Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire <b>MITSUBISHI CHEMICAL CORPORATION</b>	

## COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

☐ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

## REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





European Patent  
Office

**SUPPLEMENTARY  
PARTIAL EUROPEAN SEARCH REPORT**

Application Number

which under Rule 45 of the European Patent Convention shall be considered, for the purposes of subsequent proceedings, as the European search report

EP 00 90 9640

**DOCUMENTS CONSIDERED TO BE RELEVANT**

Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
✓ X	SUZUKI, SHINYA ET AL: "Preparation of long-circulating immunoliposomes containing adriamycin by a novel method to coat immunoliposomes with poly(ethylene glycol)" BIOCHIMICA ET BIOPHYSICA ACTA, no. 1245, 1995, pages 9-16, XP002098998 * the whole document *	1-3,5-17	A61K39/44 A61K47/48 A61P35/00
✓ X	WO 94 22429 A (LIPOSOME TECHNOLOGY, INC) 13 October 1994 (1994-10-13) * page 2, line 32 - page 6, line 36; claims 1-3 *	1-3,5-18	
✓ X	EP 0 526 700 A (MITSUBISHI CHEMICAL CORPORATION). 26 August 1998 (1998-08-26) * the whole document *	1-18	
			TECHNICAL FIELDS SEARCHED (Int.Cl.7)
			A61K

The supplementary search report has been based on the last set of claims valid and available at the start of the search.

**INCOMPLETE SEARCH**

The Search Division considers that the present application, or some or all of its claims, does/do not comply with the EPC to such an extent that a meaningful search into the state of the art cannot be carried out, or can only be carried out partially, for the following claims:

Claims searched completely :

Claims searched incompletely :

Claims not searched :

Reason for the limitation of the search:

see sheet C

2

EPO FORM 1503 03.82 (P04C20)

Place of search MUNICH	Date of completion of the search 26 February 2002	Examiner Moreno de Vega, C
<b>CATEGORY OF CITED DOCUMENTS</b> X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document		





Claim(s) searched completely:  
9-15

Claim(s) searched incompletely:  
1-8, 16-18

Reason for the limitation of the search:

Present claims 1-8 relate to an extremely large number of possible complexes. In fact, the claims contain so many options and define the complexes in terms of vague affinity characteristics, as it is unknown what ligand satisfies the affinity requirement to a target, that a lack of clarity and conciseness within the meaning of Article 84 EPC arises to such an extent as to render a meaningful search of the claims impossible. Consequently, the search has been carried out for those parts of the application which do appear to be clear and concise, namely the complexes comprising a liposome and antibody as recited in the examples and claims 9-15.

Present claims 16 and 17 relate to a product defined (inter alia) by reference to a dissociation constant:

The use of this parameter in the present context is considered to lead to a lack of clarity within the meaning of Article 84 EPC. It is impossible to compare the parameters the applicant has chosen to employ with what is set out in the prior art. The lack of clarity is such as to render a meaningful complete search impossible. Consequently, the search has been restricted to the complex mentioned in the examples and claims 9-15.

**ANNEX TO THE EUROPEAN SEARCH REPORT  
ON EUROPEAN PATENT APPLICATION NO.**

EP 00 90 9640

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on:  
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

26-02-2002

Patent document cited in search report		Publication date		Patent family member(s)	Publication date
WO 9422429	A	13-10-1994	US	5527528 A	18-06-1996
			AU	6527294 A	24-10-1994
			WO	9422429 A1	13-10-1994
			US	5620689 A	15-04-1997
EP 0526700	A	10-02-1993	JP	3220180 B2	22-10-2001
			JP	4346918 A	02-12-1992
			AT	170083 T	15-09-1998
			CA	2069244 A1	24-11-1992
			DE	69226739 D1	01-10-1998
			DE	69226739 T2	11-02-1999
			EP	0526700 A2	10-02-1993
			ES	2120972 T3	16-11-1998
WO 9738731	A	23-10-1997	US	5264221 A	23-11-1993
			US	6214388 B1	10-04-2001
			AU	2601297 A	07-11-1997
			CA	2249352 A1	23-10-1997
			EP	0912198 A1	06-05-1999
			JP	2000510825 T	22-08-2000
			WO	9738731 A1	23-10-1997
			US	2001016196 A1	23-08-2001